

United States District Court  
Southern District of Texas  
FILED

OCT 18 2002

**Michael N. Wilby  
Clerk of Court**

IN RE THE COMPLAINT AND  
PETITION FOR BROWN WATER  
TOWING I, INC., AS OWNER AND  
BROWN WATER MARINE  
SERVICE, INC., AS BAREBOAT  
CHARTERERS, OF THE BROWN  
WATER V, ITS ENGINES, TACKLE,  
ETC., IN A CAUSE OF  
EXONERATION FROM OR  
LIMITATION OF LIABILITY

IN RE THE COMPLAINT AND  
PETITION OF AMERICAN  
COMMERCIAL LINES LLC, AS  
OWNER and AMERICAN  
COMMERCIAL BARGE LINES,  
LLC, AS CHARTERER, OF THE  
BARGES NM-315, VLB-9182, ACL-  
9933B, VLB-9173, IN A CAUSE OF  
EXONERATION FROM OR  
LIMITATION OF LIABILITY

**CIVIL ACTION NO. B-02-115**

## Severed from

**CIVIL ACTION NO. B-01-157**

## Consolidated With

C.A. No. B-02-004

## Admiralty

## **DESIGNATION OF RECORD**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, BROWNSVILLE DIVISION:

This action, C.A. No. B-02-115 ("the severed cause"), was severed out of C.A. No. B-01-157, consolidated with C.A. No. 5-02-004 (Admiralty) ("the original cause"), by Order dated May 29, 2002. That severance Order had the effect of rendering final a summary judgment Order entered on May 9, 2002, in the original cause. Copies of (1) the May 9 summary judgment Order, (2) the May 29 severance Order, and (3) the Final Judgment entered on May 29 were then placed into the file in this severed cause.

However, other matters on file in the original cause were not copied and transferred over to the file in this severed cause. The current appellate record in the severed cause thus does not include any of those matters filed before the summary judgment order in the original cause, but those matters are critical to the Economic Damage Claimants' appeal of the final judgment in the severed cause.

Accordingly, the Economic Damage Claimants request that the Clerk of this Court prepare and file with the United States Court of Appeals for the Fifth Circuit a Supplemental Clerk's Record containing each of the following items, including any attachments, on file in the original cause – C.A. No. B-01-157, consolidated with C.A. No. B-02-004 (Admiralty):

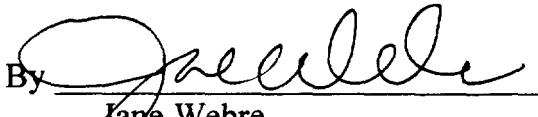
1. 09/15/01 Complaint and Petition of Brown Water Towing I, Inc., as Owner, and Brown Water Marine Service, Inc., as Bareboat Charterer, of the Brown Water V, Its Engines, Tackle, Etc., in a Cause of Exoneration from or Limitation of Liability, Civil and Maritime;
2. 03/11/02 Claimants' Claims and Joint Answer to Petitioners' Verified Complaint and Petition for Exoneration from and/or Limitation of Liability;
3. 04/02/02 Petitioners Brown Water Marine Service, Inc.'s and Brown Water Towing I, Inc.'s Motion for Summary Judgment on the Purely Economic Damage Claims Asserted by Certain Claimants who Received No Personal Injury or Property Damage;
4. 04/17/02 Certain Personal Injury Claimants' and Property Damage Claimants' Motion and Brief in Support of Petitioners' Motion for Summary Judgment as to Purely Economic Claims;
5. 05/06/02 Economic Damage Claimants' Response (and Brief in Support) to Petitioners Brown Water Marine Service, Inc.'s and Brown Water Towing I, Inc.'s Motion for Summary Judgment and to "Claimants with Injury to Person or Property's" Motion for Summary Judgment;

6. Certified copy of the docket entries prepared by the District Clerk in Civil Action No. B-01-157, consolidated with Civil Action No. B-02-004 (Admiralty); and

7. 10/\_\_\_/02 Designation of Record.

Respectfully submitted,

SCOTT, DOUGLASS & McCONNICO, L.L.P.  
600 Congress Ave., Suite 1500  
Austin, Texas 78701  
(512) 495-6300 (Telephone)  
(512) 474-0731 (Telecopier)

By   
Jane Webre  
State Bar No. 21050060

Michael Slack  
SLACK & DAVIS, L.L.P.  
8911 Capital of Texas Highway  
Building Two, Suite 2110  
Austin, Texas 78759  
(512) 795-8686 (Telephone)  
(512) 795-8787 (Telecopier)

ATTORNEYS FOR ECONOMIC  
DAMAGE CLAIMANTS

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Designation of Record has been served on all counsel of record on this 18<sup>th</sup> day of October, 2002 via regular mail.

  
Jane Webre